

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE DYNAMIC RANDOM ACCESS
MEMORY (DRAM) ANTITRUST
LITIGATION

This Document Relates To:

All Direct Purchaser Actions

Master File No. M-02-1486 PJH

MDL No. 1486

**[PROPOSED] ORDER GRANTING
DIRECT PURCHASER PLAINTIFFS'
MOTION FOR AN ORDER
AUTHORIZING DISTRIBUTION OF
SETTLEMENT FUND**

Judge: Hon. Phyllis J. Hamilton
Courtroom: 3, 3rd Floor

**[PROPOSED] ORDER GRANTING DIRECT PURCHASER PLAINTIFFS' MOTION FOR
ORDER AUTHORIZING DISTRIBUTION OF SETTLEMENT FUND – Master File No. M-02-
1486 PJH**

1 Direct Purchaser Plaintiffs' Motion for an Order Authorizing Distribution of the Settlement
2 Fund ("Motion") came on for hearing on October 28, 2009. The Court previously granted final
3 approval the settlement agreements reached in these class action proceedings and found that due
4 and adequate notice of the settlements was provided to the Class. (Dkt. Nos. 1153-55, 1533-36,
5 1662-64, 1677.)

6 Having considered the Motion, the Declaration of Robin Niemiec in Support of Motion
7 Authorizing Distribution of Settlement Fund ("Niemiec Declaration"), the Declaration of R.
8 Alexander Saveri in Support of Direct Purchaser Plaintiffs' Motion for an Order Authorizing
9 Distribution of Settlement Fund, and all other supporting papers and arguments presented at the
10 hearing, it is hereby ORDERED that:

- 11 1. Plaintiffs' Motion is GRANTED.
- 12 2. The Court finds that a *pro rata* distribution of the Net Settlement Fund (determined
13 by multiplying each valid claimant's percentage of the total valid claims times the Net Settlement
14 Fund) is fair, adequate and reasonable.
- 15 3. The Court further finds that the claims review process, as set forth in the Niemiec
16 Declaration, was fair, adequate and reasonable, providing a full and fair opportunity for potential
17 members of the class to submit a valid claim.
- 18 4. The Claims Administrator's recommendations regarding the ineligibility (Exhibit K
19 of the Niemiec Declaration) and eligibility (Exhibit L of the Niemiec Declaration) of the claims are
20 hereby adopted and approved.
- 21 5. Sufficient funds shall be reserved in the Net Settlement Fund for the payment of
22 claims administration costs and taxes.
- 23 6. Until further order of the Court regarding the disputed claims of Kimball
24 Electronics, Inc. f/k/a Reptron Electronics, Inc. ("Reptron"), Plaintiffs' Counsel shall reserve
25 Reptron's *pro rata* share of the Net Settlement Fund in escrow until resolution of its claim.

1 7. The Court authorizes distribution of the Net Settlement Fund (less the funds
2 reserved for claim administration costs, taxes, and Reptron's disputed claims) as set forth in
3 Exhibit L of the Niemiec Declaration.

4 IT IS SO ORDERED.

5 Date: Oct. 28, 2009.
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